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May 18, 1993

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MAY 18 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, D.C. 20554

RE: MM Docket No. 92-260
Cable Home Wiring
Opposition Of TKR Cable Company

PEOPLE'S JURY

outside where the cable wire enters the subscriber's premises
(Order, Appendix B at § 76.5(mm)(2)). They seek a further

II. "Loop-Through" Configurations

Liberty and NYNEX also seek reconsideration of the Commission's determination to exempt "series" or "loop

through" configurations from interconnection requirements. (Order

employ one plan of construction over another.

Loop through, to the extent utilized, has its drawbacks, a particular one being the inability of the cable operator to address each unit individually for billing, service options, and other benefits extended to both the operator and, not incidentally, the subscribers by being able to market completely each consumer on an individual basis. Liberty's proposal and NYNEX's objections are counter-intuitive in this regard. Not only would they maintain the status quo of the video distribution system, they would place de facto (and ultimately de jure) ownership of the cable system in the hands of the building owner who acts in its own pecuniary interest and frequently contrary to the interests and desires of the residents. Residents of MDUs may very well prefer a second wire more than the owner prefers the look of its mirrors or the access arrangement it might conclude with an alternative provider.

NYNEX's suggestion that the building owner control any "unpowered cable" used by more than one subscriber is extreme (NYNEX petition at 4). Today's passive optical fiber and coaxial technology would virtually place the entire system under the building owner's control, a result hardly intended by Congress or contemplated by the Commission. In affording the consumer the option of acquiring in-premises wiring, the Commission would be cutting off the availability of real

alternatives for service that Section 16(d) was intended to foster.

III. Simultaneous Service from Different Providers

In challenging the Commission's determination that the language of the statute, and hence, the Commission's regulations, refer only to disposition of cable home wiring

consumers can do with internal wiring while receiving service.

As the Commission indicated in its Order:

"Many of the telephone inside wire provisions go well beyond the statutory language addressing cable home wiring because they pertain to what the consumer can do with the wire while receiving service. We further agree with the many commenters who argue that cable home wiring is distinguishable from telephone inside wiring in that, for example, cable operators have signal leakage responsibilities not borne by telephone service providers. Although we generally believe that broader cable home wiring rules could foster competition and could potentially be considered in the context of other proceedings, because of the time constraints under which we must promulgate rules as required by the Cable Act of 1992, we decline to address such rules proposals in this proceeding."

Order, ¶ 6 (emphasis added).

Moreover, to the extent a subscriber with its own internal distribution system seeks service from a provider, such as a cable system, which requires dedicated plant, a second installation can be accomplished in a good, workman-like manner with due regard to ascetic considerations.

IV. Extending the Option to Purchase

Wireless claims that the regulations provide a cable operator with an incentive to "falsely advise" a terminating customer of its "intentions" towards a subscriber that is terminating service (Wireless petition at 3). Wireless expressed its "fears" with cable operators that might "single out" consumers who terminate service to subscribe to an alternative provider by "requiring" those consumers to purchase installed cable, while abandoning installed cable in

the homes of other terminating subscribers (Wireless petition at 6). These contentions are speculative projections of possible behavior that, even if true, hardly justify action on reconsideration. The purpose of the regulations is to ensure that the subscriber is able to purchase the home wiring. That he or she might be able to obtain the wiring without purchasing it is an additional, but not required, benefit to the subscriber. Wireless would have it both ways. Its members have no obligation to sell their subscribers home wiring upon termination of service.

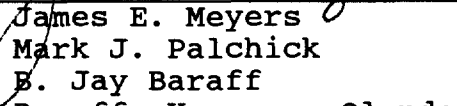
V. Conclusion

In light of the above, the petitions should be denied.

Respectfully submitted,

TKR CABLE COMPANY

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CERTIFICATE OF SERVICE

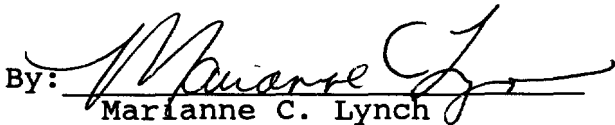
I, Marianne C. Lynch, certify that I have this 18th day of May, 1993, served by regular United States mail, postage prepaid, a copy of the foregoing "Opposition to Petitions for Reconsideration" upon the following:

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